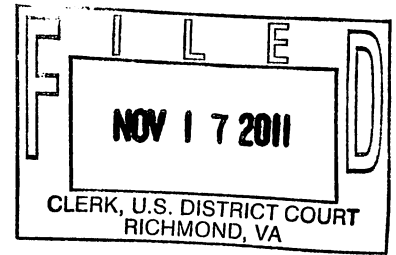


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



BARRY KELVIN GREEN,

Plaintiff,

v.

Civil Action No. 3:10cv764

MICHAEL J. ASTRUE,
Commissioner of Social
Security,

Defendant.

ORDER

Having reviewed the REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE entered herein on October 11, 2011 (Docket No. 13), the plaintiff's objections thereto (Docket No. 14), the defendant's response to plaintiff's objections (Docket No. 15) and having considered the record and the REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE and finding no error therein, it is hereby ORDERED that:

(1) The plaintiff's objections are overruled;

(2) The REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (Docket No. 13) is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION;

(3) The plaintiff's MOTION FOR SUMMARY JUDGMENT (Docket No. 9) is denied;

(4) The DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Docket No. 11) is granted; and

(5) The Commissioner's decision is affirmed.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

It is so ORDERED.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: November 16, 2011